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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General**

Summary

The present report, submitted pursuant to General Assembly resolution 64/101, summarizes the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara in the period 1 July 2009 to 30 June 2010.

* A/65/150.

** The present report was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report was submitted late, the reason should be included in a footnote to the document.

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1. On 10 December 2009, the General Assembly adopted, without a vote, resolution 64/101 on the question of Western Sahara. The Secretary-General, in close cooperation with the Chair of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, covering the period from 1 July 2009 to 30 June 2010, is submitted in accordance with paragraph 7 of resolution 64/101.

2. Pursuant to Security Council resolution 1871 (2009), the Secretary-General submitted a report dated 6 April 2010 (S/2010/175) to the Security Council on the situation concerning Western Sahara. In that report, the Secretary-General informed the Council of the activities of his Personal Envoy to promote negotiations on Western Sahara. Following the trip of the Personal Envoy to the region from 22 June to 1 July 2009 to clarify the purpose and structure of the informal meetings that he had proposed and to confirm the readiness of the parties and neighbouring States to attend, the first informal meeting was held in Dürnstein, Austria, on 9 and 10 August 2009. That meeting achieved its principal objective of re-establishing the atmosphere of mutual respect and dialogue that had reigned at the beginning of the negotiations in Manhasset, United States of America, but had collapsed in the course of successive rounds. The parties engaged with each other in a respectful manner and in a spirit of extensive give and take, discussing confidence-building measures and human rights issues as a prelude to a later examination of the core issues of their dispute. They agreed in principle that a long-standing proposal to explore the road option in the context of an expansion of family visits between Western Sahara and the refugee camps should be implemented, and they agreed to consider, in a positive spirit, the confidence-building measures that the United Nations High Commissioner for Refugees had proposed and others that the Personal Envoy might put forth.

3. With regard to human rights issues, the parties exchanged accusations on violations, and each complained about how the other approached such matters. The Frente Polisario para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario) called for a United Nations monitoring mechanism, and Morocco expressed its opposition. The Personal Envoy proposed that, to avoid poisoning the atmosphere, the parties should communicate their concerns on this issue through him instead of doing so in public statements. Despite apparent agreement on that procedure, public accusations continued thereafter. Before the Dürnstein meeting ended, the parties also engaged in a preliminary discussion of core substantive issues but continued to disagree, in particular on the requirements of self-determination.

4. Observer delegations from Algeria and Mauritania were present in Dürnstein. Of note was the fact that, for the first time since 2004, Algeria participated in the process at the ministerial level. The delegation of Algeria stated that, as an observer delegation, it could not participate directly in the talks but was ready to work with the parties on anything to which they agreed with regard to confidence-building measures and human rights issues.

5. After the Dürnstein meeting, my Personal Envoy consulted regularly with the parties and determined that progress on the core substantive issues was most likely to emerge at a further informal meeting rather than at an immediate fifth round of formal negotiations. In September 2009, in the course of the sixty-fourth session of the General Assembly, the Secretary-General met separately with the President of

Algeria, Abdelaziz Bouteflika, and the Minister for Foreign Affairs and Cooperation of Morocco, Tairb Fassi Fihri, and both expressed their continued commitment to the negotiating process and their support for the efforts of the Personal Envoy. Further consultations with the parties opened the way to serious engagement with respect to their proposals of April 2007. On that basis, the Personal Envoy proposed that a second informal meeting should be held on 21 and 22 November, or on 4 and 5 December 2009. However, beginning in October, a series of events made it increasingly impossible to meet as proposed. Each party engaged in actions that the other deemed provocative and destructive of the positive atmosphere that had emerged in Dürnstein, and each questioned the good faith of the other. As those events unfolded, the Personal Envoy found himself operating in a crisis-management mode as did a number of other international actors, to prevent the situation from deteriorating any further.

6. By January 2010, the climate had improved, and my Personal Envoy was able to hold a second informal meeting in Westchester County, New York, on 10 and 11 February. As the meeting started, each party was provided an opportunity to make an opening statement. Most of the ensuing exchanges concerned human rights and related issues, and both parties complained of violations. Again, the Frente Polisario called for United Nations monitoring, and again Morocco stated its opposition. It also asserted that, by refraining from exercising their responsibility with respect to the refugees on Algerian territory, Algeria and the Office of the United Nations High Commissioner for Refugees (UNHCR) were not fulfilling their international obligations.

7. During the rest of the talks, each party again presented its proposal of April 2007 and, to varying degrees, engaged with regard to the proposal of the other. Although the exchanges were frank and respectful, at the end of the meeting both parties agreed with the Personal Envoy's summary that neither party had accepted the proposal of the other as the sole basis for future negotiations. It was clear to the Personal Envoy that the fundamental and, to date, non-negotiable difference between the two parties lay in the issue of self-determination. The Frente Polisario, with the support of Algeria, insists on a referendum with multiple options, including independence, while Morocco insists on a negotiated autonomy regime and a referendum of confirmation with one option.

8. As in Dürnstein, observer delegations from Algeria and Mauritania were present but did not participate directly in the talks. Algeria reiterated its support for anything to which the parties might agree and undertook to look into the reasons for the delay in opening telephone communication between Western Sahara and the most remote refugee camp, Dakhla, as foreseen in the confidence-building measures agreed earlier.

9. In the recommendations section of his report of 6 April 2010 (S/2010/175), the Secretary-General welcomed the parties' continuing commitment to the process of negotiations, and their willingness to engage in the preparatory informal format organized by the Personal Envoy. However, he noted that the two informal meetings held in August 2009 and February 2010 had produced no movement on the core substantive issues and that more work was needed before a fifth round of formal negotiations could be held. He also observed that, after the second informal meeting, it had become clear that neither party was prepared to accept the proposal of the other as the sole basis for future negotiations and that nothing was likely to

occur in their relations or in the regional or international environment to change this in the foreseeable future. He recommended that the Security Council reiterate its call upon the parties, Morocco and the Frente Polisario, to negotiate in good faith and without preconditions under the auspices of the Personal Envoy, and to show the political will required to enter into substantive discussions and ensure the success of the negotiations, where possible by drawing on and developing the contents of their two proposals. He stressed that imagination and creativity would be needed if progress was to be made.

10. With regard to the maintenance of the ceasefire, the Secretary-General informed the Council that the overall situation remained calm in the Territory and that the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to enjoy good relations with the parties. MINURSO observed and recorded 24 new violations of military agreement No. 1 by the Royal Moroccan Army, an increase over the 11 recorded during the previous reporting period. MINURSO also observed a total of five new violations of military agreement No. 1 by the military forces of the Frente Polisario, a slight decrease compared with the seven recorded during the previous reporting period, in 2008-2009. While MINURSO continued to enjoy good relations with the Royal Moroccan Army and the military forces of the Frente Polisario, both sides continued to abstain from dealing directly with each other. All known contacts between the two armed forces continued to take the form of written communications through MINURSO. The Mission has proposed the creation of a joint military verification mechanism to discuss allegations of violations of military agreement No. 1 and other issues of common interest.

11. With regard to humanitarian activities and efforts led by UNHCR and the World Food Programme (WFP), the United Nations High Commissioner for Refugees, António Guterres, undertook a five-day visit to Algeria, Morocco and Western Sahara in September 2009, including a visit to the refugees from Western Sahara in the camps near Tindouf. This was the first time since 1976 that a High Commissioner for Refugees had visited the camps. The High Commissioner's visit paved the way for a reorientation of the assistance programme in the camps through an increase in the level of assistance and an enhanced focus on the long-term welfare of the refugees, with special attention to the areas of nutrition, health and education. WFP continued to provide 125,000 monthly general feeding rations to the most vulnerable Western Saharan refugees. Overall, in 2009 WFP distributed a total of 26,953 tons of food. In 2009, UNHCR made considerable progress in combating the high levels of anaemia afflicting the refugee population, and laid the foundation for a comprehensive child health and nutrition programme and implementation strategy with all partners.

12. With regard to confidence-building measures, UNHCR continued to provide free telephone services for refugees in the camps to contact family members in the Territory and to organize family visits between the Tindouf refugee camps and the Territory. Between April 2009 and March 2010, refugees placed 20,362 calls to relatives in the Territory and participated in 37 round-trip family visits, during which 1,137 beneficiaries travelled to the Tindouf camps and 1,188 beneficiaries travelled to cities in the Territory west of the berm. In order to shorten the waiting period for persons registered for family visits, and in line with Security Council resolutions 1813 (2008), 1871 (2009) and 1920 (2010), UNHCR is continuing its efforts to implement the road option as an expansion of the family visit programme.

13. Regarding human rights, the Secretary-General recognized the duty of the United Nations to uphold human rights standards in all its operations, including those relating to Western Sahara, and expressed his concern with the human rights situation. He noted that each side accuses the other of violations relating to Saharans in the Territory and in the refugee camps, and each denies the accusations made against it. He repeated once more his call to each party to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps. He underlined the fact that the United Nations and the international community as a whole had an interest in advancing respect for international human rights standards and in ensuring that each party to the conflict understands its responsibilities in that regard.

14. In his recommendations, the Secretary-General also expressed his concern for the human dimension of the conflict, including the plight of the Western Saharan refugees. He urged the parties to confirm their agreement to the expansion of the family visit programme and to accelerate their consultations with UNHCR on its implementation, as this would allow a significantly higher number of individuals in Western Sahara and the refugee camps to participate.

15. As a follow up to the February 2010 informal meeting, the Personal Envoy undertook a visit to the region from 17 to 25 March during which he was received by the King of Morocco, the Heads of State of Mauritania and Algeria, as well as the Secretary-General of the Frente Polisario. The Personal Envoy's discussions in the region confirmed the fact that the negotiations were still at an impasse, and he requested both the parties and the neighbouring States to engage in a period of reflection to develop ideas for moving the process forward. He also visited Paris for meetings on 25 and 26 March with the Government of France on these issues. On 26 March, a dispute regarding the participation of specific individuals in a scheduled family visit flight led to the suspension of all flights. Both the Personal Envoy and UNHCR have engaged with the parties in an attempt to find a solution to this disagreement and allow the flights to resume.

16. After its consideration of the report of the Secretary-General (S/2010/175), on 30 April 2010 the Security Council unanimously adopted resolution 1920 (2010). In that resolution, the Council recognized that the consolidation of the status quo was not acceptable in the long term and noted further that progress in the negotiations was essential in order to improve the quality of life of the people of Western Sahara in all its aspects. The Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations. The Council decided to extend the mandate of MINURSO until 30 April 2011.

17. In May and July 2010, UNHCR held separate meetings in Geneva with representatives of the Frente Polisario and Morocco to evaluate the current programmes and attempt to find a solution to the disagreement that had led to the suspension of the family visit flights, and urged them to agree to the steps necessary to inaugurate family visits by road.

18. From 21 June to 1 July 2010, the Personal Envoy visited the capitals of three members of the Group of Friends of Western Sahara (London, Paris and Madrid) to consult on the best means to advance the negotiations towards a mutually acceptable

settlement and to solicit their concrete advice and renewed support in that regard. On 16 July, he consulted with senior officials in Washington, D.C., and he will visit Moscow at a later date. His meetings were very useful, reflecting a fresh interest in moving beyond the status quo and finding a solution. The members of the Group of Friends with whom he has met to date have all expressed a readiness to work with him and the parties to ensure the success of future negotiations through genuine and flexible substantive engagement. He has also found unanimous agreement on the need to intensify work on confidence-building measures, including the resumption of family visits by air, the early inauguration of family visits by road, and rapid consideration of other confidence-building measures that UNHCR has proposed.